BANK INDONESIA REGULATION NUMBER 21/14/PBI/2019

ON

EXPORT PROCEEDS AND IMPORT PAYMENTS

BY THE BLESSINGS OF ALMIGHTY GOD,

GOVERNOR OF BANK INDONESIA,

- Considering:a.that export proceeds may serve as a sustainable fund source for national economic with optimum contribution growth and be used to support the creation of a sound financial market and to maintain rupiah stability in the event that the proceeds are deposited through banks in Indonesia;
 - b. that the effectiveness of monitoring of export proceeds received through banks in Indonesia as referred to in point a must be improved to optimize utilization of export proceeds;
 - c. that in addition to export proceeds, import payments may affect demand for foreign exchange nationwide and financial market in Indonesia;
 - d. that the effectiveness of monitoring of import payments as referred to in point c through reporting must be improved to optimize information obtained on demand for import payments;
 - e. that based on the foregoing considerations as referred to in point a to point d, it is necessary to issue Bank Indonesia Regulation on Export Proceeds and Import Payments;
- Observing: 1. Law Number 23 of 1999 on Bank Indonesia (State Gazette of the Republic of Indonesia of 1999 Number 66, Supplement to State Gazette of the Republic of Indonesia Number 3843) as amended several times and last by Law Number 6 of 2009 on

Establishment of Government Regulation in Lieu of Law Number 2 of 2008 on the Second Amendment to Law Number 23 of 1999 on Bank Indonesia becomes a Law (State Gazette of the Republic of Indonesia of 2009 Number 7, Supplement to State Gazette of the Republic of Indonesia Number 4962);

2. Law Number 24 of 1999 on Foreign Exchange Flows and Exchange Rate System (State Gazette of the Republic of Indonesia of 1999 Number 67, Supplement to State Gazette of the Republic of Indonesia Number 3844);

HAS DECIDED

To enact : BANK INDONESIA REGULATION ON EXPORT PROCEEDS AND IMPORT PAYMENTS.

CHAPTER I GENERAL PROVISIONS

Article 1

In this Bank Indonesia Regulation:

- 1. Bank Conducting Business Activities in Foreign Exchange, hereinafter referred to as Bank, means a commercial bank as specified in the Law on Banking and sharia commercial bank as specified in the Law on sharia banking, including an Indonesian branch office of bank domiciled overseas but excluding a bank incorporated in Indonesia and operating overseas, which is approved by the authorized institution to carry on business activities in foreign exchange.
- 2. Resident means any individual, legal entity, or any other entities domiciled or planning to domicile in Indonesia for at least 1 (one) year, including the diplomatic representatives and staff of the Republic of Indonesia overseas as specified

- in the Law on foreign exchange flows and exchange rate system.
- 3. Export means an activity to take goods out of a customs territory as specified in the Law on customs.
- 4. Export Proceeds, hereinafter referred to as DHE, means proceeds from Export activity.
- 5. Export Proceeds from Natural Resources Export Goods, hereinafter referred to as DHE SDA, means DHE obtained from utilization, management, and/or processing of natural resources, including mining, plantation, forestry, and fishery as specified in a Government Regulation on export proceeds obtained from utilization, management, and/or processing of natural resources.
- 6. Export Proceeds from Non-Natural Resource Export Goods, hereinafter referred to as DHE Non-SDA, means DHE obtained from activities other than utilization, management, and/or processing of natural resources, including mining, plantation, forestry, and fishery.
- 7. Exporter means any individual, legal entity, or any other non-legal entity conducting Export.
- 8. SDA Exporter means any Exporter in utilization, management, and/or processing of natural resources, including mining, plantation, forestry, and fishery.
- 9. Non-SDA Exporter means any Exporter in activities other than utilization, management, and/or processing of natural resources, including mining, plantation, forestry, and fishery.
- 10. Import means an activity to bring goods into a customs territory as specified in the Law on customs.
- 11. Import Payments, hereinafter referred to as DPI, means foreign exchange which is used to pay Imports.
- 12. Importer means any individual, legal entity, or any other non-legal entity conducting Imports.

- 13. Courier Company, hereinafter referred to as PJT, means a postal service operator which has obtained a business license from the relevant authority to provide mail, document, and package services in accordance with the laws and regulations on postal services.
- 14. Export Customs Notice, hereinafter referred to as PPE, means a statement made by an individual or legal entity to fulfil customs obligations related to Export in the forms and requirements in accordance with the laws and regulations on customs.
- 15. Import Customs Notice, hereinafter referred to as PPI, means a statement made by an individual or legal entity to fulfil customs obligations related to Import in the forms and requirements in accordance to the laws and regulations on customs.
- 16. Customer means a party using a Bank's services.
- 17. Special Account of DHE SDA, hereinafter referred to as Reksus DHE SDA, means a Customer's account with a Bank in rupiah or foreign currency, specifically used to receive DHE SDA.
- 18. DHE Report means a report which explains customs data information and DHE receipt reported by an Exporter.
- 19. DPI Report means a report which explains customs data information and DPI payment reported by an Importer.
- 20. Fund Transfer Order means an unconditional order from a sender to a executing beneficiary to pay a certain amount of funds to a beneficiary as referred to in the Law on fund transfer.
- 21. Outgoing Transfer means a Customer's foreign exchange flows in the form of outgoing transfer in foreign currency.
- 22. Incoming Transfer means a Customer's foreign exchange flows in the form of incoming transfer in foreign currency.

- 23. Export Value means free on board (FOB) Export value specified in an PPE.
- 24. Import Value means cost, insurance, and freight (CIF) Import value specified in an PPI.
- 25. Maklon means a service provided for finishing of certain goods, which is conducted by a service provider or a Maklon, and the service user determines the specification and provides raw materials and/or half-processed goods and/or supporting materials to be partially or entirely processed, with ownership of processed goods is on the service user.
- 26. Maklon Value means proceeds from Maklon activities specified in an PPE.
- 27. Party Which is Subject to an Oil and Gas Cooperation Agreement, hereinafter referred to as Party to an Oil and Gas Contract, means an operator and/or participating interest holder as well as their substitutes from time to time, recorded at the authorized institution.
- 28. Goods Owner means a party conducting Exports or Imports through PJT.
- 29. Financial Transaction Messaging System Message, hereinafter referred to as FTMS Message, means a group of data in a structured format which is sent or received by a user or via an application.
- 30. Telegraphic Transfer, hereinafter referred to as TT, means a type of fund transfer through a Bank using electronic devices based on a payment instruction from a fund owner.
- 31. Non-Telegraphic Transfer Transaction Report, hereinafter referred to as Non-TT Transaction Report, means a report submitted by a Bank on non-TT transactions.
- 32. PPE Month means a registration month obtained from registration date information specified in a PPE.
- 33. PPI Month means a registration month obtained from registration date information specified in an PPI.

34. Day means the working day of Bank Indonesia, excluding limited operational working days.

CHAPTER II EXPORTER'S OBLIGATIONS

Part One

Exporter's Obligations Pertaining to DHE Receipts

Article 2

- (1) All DHE is required to be received through a Bank not later than the end of the third month after a PPE Month.
- (2) In the event that DHE is received in cash in the country, the DHE is required to be deposited into a Bank not later than the end of the third month after a PPE Month.
- (3) An Exporter must submit supporting documents pertaining to DHE received in cash as referred to in paragraph (2) to Bank Indonesia.
- (4) In the event that the deadline as referred to in paragraph (1) and paragraph (2) is a holiday, DHE may be received and/or deposited to a Bank on the following Day.
- (5) The DHE received as referred to in paragraph (1) and/or DHE deposited to a Bank as referred to in paragraph (2) is required to match the Export Value.

Article 3

The obligation pertaining to DHE as referred to in Article 2 shall not be applied to the Government's DHE received through Bank Indonesia.

- (1) In the event that DHE receipt is conducted surpassing the deadline as referred to in Article 2 paragraph (1) and paragraph (2), the DHE shall be deemed to be received by the deadline if any of the following applies:
 - a. DHE is received not later than 14 (fourteen) calendar days after the payment deadline as specified in a contract between an Exporter and its buyer; or
 - b. such surpassed deadline is attributable to an event that a buyer defaults, is insolvent, or is affected by force majeure.
- (2) In the event that DHE receipt is conducted surpassing the deadline as referred to in paragraph (1), an Exporter must submit sufficient supporting documents.

Article 5

- (1) In the event that DHE is lower than the Export Value with the highest difference equivalent to Rp50,000,000.00 (fifty million rupiah), the received DHE shall be deemed to match the Export Value, and therefore, the Exporter does not need to submit any supporting documents.
- (2) In the event that DHE is lower than the Export Value with a difference exceeding an equivalent of Rp50,000,000.00 (fifty million rupiah), the received DHE shall be deemed to match the Export Value if the Exporter submits sufficient supporting documents.

- (1) In the event that an Export derives from Maklon goods, the received DHE as referred to in Article 2 paragraph (1) and paragraph (2) is required to match the Maklon Value.
- (2) In the event that DHE is lower than the Maklon Value with the highest difference equivalent to Rp50,000,000.00 (fifty

- million rupiah), the received DHE shall be deemed to match the Maklon Value, and therefore, an Exporter does not need to submit any supporting documents.
- (3) In the event that DHE is lower than the Maklon Value with the difference exceeding an -equivalent of Rp50,000,000.00 (fifty million rupiah), the received DHE shall be deemed to match the Maklon Value if an Exporter submits sufficient supporting documents.

In the event that there is a difference between PPE data submitted by an Exporter and PPE data received by Bank Indonesia from the Director General of Customs and Excise, Bank Indonesia may decide which PPE data to be reference for the fulfilment of the provisions of this Bank Indonesia Regulation.

Article 8

Further provisions on DHE receipt are regulated in a Regulation of Member of Board of Governors.

Part Two

Exporter's Obligations Pertaining to DHE Reporting

- (1) In the event that DHE is received through a TT transaction, an Exporter must submit Export information to its buyer to be included in FTMS Message by a bank overseas.
- (2) In the event that DHE is received through a non-TT transaction, an Exporter must submit Export information to a Bank to be forwarded to Bank Indonesia.

- (1) An Exporter must submit online DHE Report to Bank Indonesia in the event of:
 - a. There is a change of information on PPE which affects DHE; and/or
 - b. There is a change of information on DHE.
- (2) The DHE Report submission as referred to in paragraph (1) applies to Export Value higher than an amount equivalent to USD10,000.00 (ten thousand United States dollars).
- (3) An Exporter must submit the DHE Report as referred to in paragraph (1) not later than the fifth day of the following month after a PPE Month and/or DHE receipt month.
- (4) In the event that the deadline as referred to in paragraph (3) is a holiday, DHE Report may be submitted on the following Day.

- (1) An Exporter must submit to Bank Indonesia sufficient supporting documents by online in the event that:
 - a. DHE is received beyond after the end of the third month after the PPE Month as referred to in Article 4 paragraph (1);
 - b. DHE is not received:
 - c. DHE is lower than Export Value with a difference exceeding an amount equivalent to Rp50,000,000.00 (fifty million rupiah) as referred to in Article 5 paragraph (2); and/or
 - d. DHE is lower than Maklon Value with a difference exceeding an amount equivalent to Rp50,000,000.00 (fifty million rupiah) as referred to in Article 6 paragraph (3).
- (2) An Exporter must submit the supporting documents as referred to in paragraph (1) not later than the fifth day of the

- following month after a PPE Month and/or DHE receipt month.
- (3) In the event that a buyer defaults, is insolvent or affected by force majeure, an Exporter must submit the supporting documents as referred to in paragraph (1) not later than:
 - a. the fifth day of the following month after the end of the third month after a PPE Month; or
 - b. the fifth day of the following month after the DHE receipt deadline as referred to in Article 4 paragraph (1).
- (4) In the event that the deadline as referred to in paragraph (2) and paragraph (3) is a holiday, the supporting documents may be submitted on the following Day.

- (1) DHE which is lower than PPE Value attributable to netting between Export invoice and Exporter's liability may only be allowed for netting against Import payment on goods related to Export activity of the concerned Exporter which only involve 2 (two) parties.
- (2) In the event that an Export activity involves more than 2 (two) parties, netting between Export invoice and Exporter's liability in the form of Import of goods related to Export activity of the concerned Exporter may only be allowed if the parties is within 1 (one) group.
- (3) An Exporter must submit a letter containing:
 - a. a statement that the imported goods shall be used in the process of producing Export goods as referred to in paragraph (1) and paragraph (2);
 - a list of buyers or counterparties applying netting between Export invoice and Import liability related to Export activity of the concerned Exporter; and

- c. a statement that a buyer or counterparty is within 1 (one)group with the Exporter if the netting involves more than2 (two) parties.
- (4) The letter as referred to in paragraph (3) shall be submitted every time a new buyer or counterparty is involved.
- (5) DHE receipt from a netting result as referred to in paragraph (1) and paragraph (2) shall be deemed to match an Export Value if an Exporter submits the netting transaction evidence.

- (1) An Exporter must submit netting transaction evidence as referred to in Article 12 paragraph (5) to Bank Indonesia by online not later than the fifth day of the following month after DHE receipt month.
- (2) An Exporter must submit the letter as referred to in Article 12 paragraph (3) to Bank Indonesia by online not later than the fifth day of the following month after PPE Month.
- (3) An Exporter must submit the updated list of parties as referred to in Article 12 paragraph (3) point b to Bank Indonesia by online not later than 5 January every year.
- (4) In the event that the deadline as referred to in paragraph (1), paragraph (2), and paragraph (3) is a holiday, the netting transaction evidence, letter, and updated list of parties may be submitted on the following Day.

- (1) In the event that on the last day of the following submission:
 - a. the DHE Report as referred to in Article 10 paragraph (3);
 - b. the supporting documents as referred to in Article 11 paragraph (2) and paragraph (3);
 - c. the netting transaction evidence as referred to in Article 13 paragraph (1);

- d. the letters as referred to in Article 13 paragraph (2); and
- e. the updated list of parties or counterparties as referred to in Article 13 paragraph (3), a technical failure occurs in Bank Indonesia or an Exporter's side causing the Exporter to be unable to conduct the online submission, then the submission shall be conducted offline on the following Day.
- (2) In the event that the technical failure as referred to in paragraph (1) occurs in an Exporter's side, the Exporter must submit to Bank Indonesia a written notice thereof together with supporting evidence from the authorized institution clarifying the technical failure.

- (1) In the event that there is a change in PPE data, an Exporter must correct the PPE.
- (2) The PPE correction as referred to in paragraph (1) must be submitted to the Directorate General of Customs and Excise.

Article 16

Further provisions on DHE reporting are regulated in a Regulation of Member of Board of Governors.

Part Three

Goods Owners and Parties to Oil and Gas Contracts

- (1) In the event that an Exporter is a PJT, provisions on Exporters shall apply to Goods Owners.
- (2) PJT must furnish information on PPE to Goods Owners.
- (3) In the event that an Export is in the form of oil and gas, the provisions on Exporters shall apply to Exporters and/or Parties to Oil and Gas Contracts.

(4) Further provisions on Goods Owners in Exports through PJT and Parties to Oil and Gas Contracts are regulated in a Regulation of Member of Board of Governors.

CHAPTER III SPECIAL ACCOUNT FOR DHE SDA

Part One Obligations of SDA Exporters

- (1) In the event that DHE as referred to Article 2 paragraph (1) derives from SDA Exports, the DHE is required to be received in Reksus DHE SDA.
- (2) In the event that DHE SDA is received in cash within the country, the DHE SDA is required to be deposited into Reksus DHE SDA within a Bank.
- (3) The Reksus DHE SDA as referred to in paragraph (1) and paragraph (2) is in the form of current account, saving account, or any other account which may be used for transactions.
- (4) SDA Exporter may open more than 1 (one) Reksus DHE SDA as referred to paragraph (3) within 1 (one) Bank or more.
- (5) At the time of applying for the Reksus DHE SDA opening as referred to in paragraph (3), an SDA Exporter must submit:
 - a. supporting documents which show that there is an Export for utilization, management, and/or processing of natural resources; and
 - b. a statement letter.

SDA Exporters may place funds from its Reksus DHE SDA to a DHE SDA time deposit account in accordance with laws and regulations.

- (1) Incoming Transfer to a Reksus DHE SDA may only derive from:
 - a. DHE SDA belongs to the same SDA Exporter;
 - b. fund from time deposit withdrawal and/or time deposit interest payment which derives from a Reksus DHE SDA of the same SDA Exporter; and
 - c. incoming fund from another Reksus DHE SDA that belongs to the same SDA Exporter within another Bank or the same Bank.
- (2) The Incoming Transfer derives from DHE SDA as referred to in paragraph (1) point a is conducted with the following mechanism:
 - a. direct transfer to a Reksus DHE SDA; or
 - transfer to SDA Exporter's account prior to Reksus DHE SDA.
- (3) In the event of there is an Incoming Transfer to Reksus DHE SDA as referred to paragraph (1), an SDA Exporter must submit supporting documents which prove that the incoming funds constitutes DHE SDA.
- (4) In the event that there is an Incoming Transfer to ReksusDHE SDA other than from the sources as referred to in paragraph (1), an SDA Exporter must transfer the fund out of the Reksus DHE SDA.

DHE SDA which is placed in Reksus DHE SDA as referred to in Article 18 paragraph (1) is used by an SDA Exporter for Outgoing Transfers for the following payments:

- a. export duties and other levies in Exports;
- b. loans;
- c. Imports;
- d. profits or dividends; and/or
- e. other needs of investors as referred to in the Law on investments.

Article 22

- (1) In the event that an SDA Exporter conducts an Outgoing Transfer from Reksus DHE SDA in foreign currency whose value is higher than a certain amount (threshold), an SDA Exporter must submit supporting documents to a Bank.
- (2) Provisions on the certain amount (threshold) as referred to paragraph (1) refer to Bank Indonesia provisions on monitoring of foreign exchange flow activities of banks and customers.

Article 23

SDA Exporters must furnish information to a Bank on each Incoming Transfer and/or Outgoing Transfer through Reksus DHE SDA.

Article 24

In the event that an Export is in the form of oil and gas provisions on SDA Exporters shall apply to SDA Exporters and/or Parties to Oil and Gas Contracts.

In the event that an SDA Exporter is a PJT, provisions on SDA Exporters shall apply to Goods Owners.

Article 26

Further provisions on SDA Exporter's obligations for receipt and use of Reksus DHE SDA are regulated in a Regulation of Member of Board of Governors.

Part Two

Bank's Obligations

Article 27

- (1) Any Bank must ensure that a Customer which will open a Reksus DHE SDA as referred to Article 18 paragraph (3) is an SDA Exporter.
- (2) Any Bank must assign a special flag for each Reksus DHE SDA in the Bank's internal system.

Article 28

- (1) Any Bank must ensure the fund to be placed in any DHE SDA time deposit as referred to Article 19 derives from DHE SDA.
- (2) Any Bank must assign a special flag for each time deposit as referred to in Article 19.

Article 29

Any Bank must ensure any Incoming Transfer to Reksus DHE SDA derives only from the sources as referred to in Article 20 paragraph (1).

- (1) Any Bank may only accept a Fund Transfer Order for an Outgoing Transfer as referred to in Article 22 paragraph (1) if it is furnished with supporting documents.
- (2) The supporting documents as referred to in paragraph (1) must be received prior to the transaction settlement.
- (3) Any Bank must forward information to Bank Indonesia on submission of supporting documents of Outgoing Fund Transfer as referred to in paragraph (1).
- (4) Further provisions on the mechanism of Fund Transfer Order acceptance and submission of supporting documents for Outgoing Transfers shall refer to Bank Indonesia provisions on monitoring of foreign exchange flow activities of banks and customers.

Article 31

The information as referred to in Article 23 shall be reported by a Bank to Bank Indonesia in a report on Reksus DHE SDA as specified in Bank Indonesia provisions on monitoring of foreign exchange flow activities of banks and customers.

Article 32

Further provisions on Bank's obligations pertaining to receipt and use of DHE SDA through Reksus DHE SDA are regulated in a Regulation of Member of Board of Governors.

CHAPTER IV

IMPORTER'S OBLIGATIONS

Article 33

- (1) DPI is required to be reported to Bank Indonesia.
- (2) The DPI Report as referred to in paragraph (1) must be received by Bank Indonesia not later than the third month after PPI Month.

Article 34

The DPI Report as referred to in Article 33 paragraph (2) consists of:

- Import information on DPI which is paid through a TT transaction;
- Import information on DPI which is paid through a non-TT transaction;
- c. PPI information change that affect DPI;
- d. DPI information change; and/or
- e. information concerning DPI which is conducted not through a Bank.

Article 35

- (1) The DPI Report as referred to in Article 34 point a and point b must be submitted by an Importer to a Bank to be further forwarded to Bank Indonesia.
- (2) The DPI Report as referred to in Article 34 point c, point d, and point e shall be submitted online by an Importer to Bank Indonesia.

Article 36

(1) The DPI Report submission as referred to in Article 34 point c, point d, and point e shall apply for any Import Value

- higher than an equivalent USD10,000.00 (ten thousand United States dollars).
- (2) An Importer must submit the DPI Report as referred to in Article 34 point c, point d, and point e not later than the fifth day of the following month after a PPI Month and/or DPI month.
- (3) In the event that the deadline as referred to in paragraph (2) is a holiday, the submission of DPI Report may be conducted on the following Day.

- (1) In the event that there is a change in PPI data, an Importer must change the PPI data.
- (2) The change of PPI data as referred to in paragraph (1) must be submitted to the Directorate General of Customs and Excise.

- (1) The reported DPI value as referred to in Article 33 paragraph(1) is required to match the Import Value.
- (2) In the event that the DPI value is higher than the Import Value with the highest difference of 5% (five percent) of the Import Value, the reported DPI value shall be deemed to match the Import Value, and therefore, an Importer does not need to submit any supporting documents.
- (3) In the event that the DPI value is higher than the Import Value with a difference exceeding 5% (five percent) from the Import Value, the reported DPI value shall be deemed to match the Import Value if an Importer submits sufficient supporting documents.

- (1) An Importer must submit sufficient supporting documents to Bank Indonesia by online in the following events:
 - a. DPI is paid in cash;
 - DPI is paid beyond the end of the third month after a PPI Month;
 - c. DPI is paid not through a Bank;
 - d. DPI is unpaid; and/or
 - e. DPI Value is higher than Import Value with a difference exceeding 5% (five percent) of the Import Value.
- (2) An Importer must submit the supporting documents as referred to in paragraph (1) not later than the fifth day of the following month after PPI Month and/or DPI month.
- (3) In the event that the deadline as referred to in paragraph (2) is a holiday, the submission of supporting documents may be conducted on the following Day.

Article 40

(1) In the event that on the last submission day of the DPI Report as referred to in Article 36 paragraph (2) and/or the supporting documents as referred to in Article 39 paragraph (2) a technical failure occurs in Bank Indonesia or an Importer's side causing the Importers failure to conduct online submission by online, then the DPI Report and/or supporting documents must be submitted offline on the following Day In the event that the technical failure as referred to in paragraph (1) occurs on an Importer's side, the Importer must submit to Bank Indonesia a written notice completed with supporting evidence from the authorized institution clarifying such technical failure.

- (1) In the event that an Importer is a PJT, the provisions on Importers shall apply to the Goods Owners.
- (2) PJT must submit information on PPI to the Goods Owner.

Article 42

The provisions on DPI reporting obligation are regulated in the Regulation of Member of Board of Governors.

CHAPTER V BANK'S OBLIGATIONS

Part One

Bank's Obligations towards DHE

Article 43

A Bank may only credit DHE to an Exporter's account if the FTMS Message for all DHE through TT transaction have been completed with Export information as referred to in Article 9 paragraph (1).

- (1) A Bank is required to submit a Non-TT Transaction Report online to Bank Indonesia completed with Export information.
- (2) The Non-TT Transaction Report as referred to in paragraph(1) is required to be submitted not later than the fifth day of the following month after:
 - a. PPE Month; and/or
 - b. DHE month.
- (3) In the event that the deadline as referred to in paragraph (2) is a holiday, the report may be submitted on the following Day.
- (4) The procedure on the Non-TT Transaction Report submission as referred to in paragraph (2) refers to Bank

Indonesia provisions on monitoring of foreign exchange flow activities of banks and customers.

Part Two

Bank Obligation's towards DPI

Article 45

A Bank may only accept DPI Fund Transfer and send FTMS Message for DPI through a TT transaction if the Fund Transfer Order is completed with Import information as referred to in Article 34 point a.

- (1) A Bank is required to submit a Non-TT Transaction Report online to Bank Indonesia completed with Import information.
- (2) The Non-TT Transaction Report as referred to in paragraph(1) must be submitted not later than the fifth day of the following month after:
 - a. PPI Month; and/or
 - b. DPI month.
- (3) In the event that the deadline as referred to in paragraph (2) is a holiday, the Non-TT Transaction Report may be submitted on the following Day.
- (4) The procedure on the Non-TT Transaction Report submission as referred to in paragraph (2) shall refer to Bank Indonesia provisions on monitoring of foreign exchange flow activities of banks and customers.

CHAPTER VI SUPERVISION

Part One Supervisory Authority

Article 47

- (1) Bank Indonesia may supervise Exporters, Importers, Goods Owners, Parties to Oil and Gas Contracts, and Banks.
- (2) The supervision as referred to in paragraph (1) includes:
 - a. offsite supervision; and/or
 - b. inspection.
- (3) In the supervision as referred to in paragraph (1), Bank Indonesia may:
 - a. request clarification, evidence, records, and/or supporting documents, with or without involving the relevant institution; and
 - b. conduct other activities determined by Bank Indonesia.
- (4) If required, Bank Indonesia may appoint another party to examine the accuracy of supporting documents.

Article 48

Exporters, Importers, Goods Owners, Parties to Oil and Gas Contracts, and Banks must provide the relevant clarification, evidence, records, and/or supporting documents for the supervision as referred to in Article 47 paragraph (3) point a within the period determined by Bank Indonesia.

Article 49

In the event that an Exporter, Importer, Goods Owner, Party to an Oil and Gas Contracts, and Bank fails to provide the relevant clarification, evidence, records, and/or supporting documents as referred to in Article 47 paragraph (3) point a, then the submitted report, information, and/or data shall be declared untrue.

Article 50

Further provisions on supervision procedure are regulated in a Regulation of Member of Board of Governors.

Part Two

Submission of Supervision Result of DHE SDA

Article 51

Bank Indonesia submits a supervision result of SDA Exporters, Goods Owners, and/or Parties to Oil and Gas Contracts pertaining to the obligation of receipt and use DHE SDA to:

- a. Ministry of Finance; and
- b. relevant ministry and/or technical institution, to be followed up in accordance with their respective authority.

Article 52

Bank Indonesia shall submit current information on DHE SDA receipt related to the submitted supervision result as referred to in Article 51 to:

- a. Ministry of Finance; and
- b. relevant technical ministry and/or institution, to be followed up in accordance with their respective authority.

Article 53

The imposition of sanction by the authorized authority as a follow-up of the submitted supervision result as referred to in Article 51 will not omit the fulfilment of the obligation of DHE SDA receipt through a Bank on Reksus DHE SDA.

Further provisions on submission of supervision result of DHE SDA are regulated in a Regulation of Member of Board of Governors.

Part Three DHE with Strategic Impacts

Article 55

In the event that there are any issues pertaining to the application of the regulation of DHE receipt with strategic impacts, Bank Indonesia may make a certain policy with due regard to the provisions of this Bank Indonesia Regulation and other laws and regulations.

CHAPTER VII ADMINISTRATIVE SANCTIONS

Part One

Imposition of Administrative Sanctions on Non-SDA Exporters

- (1) Any Non-SDA Exporters which breaches the obligation of DHE as referred to in Article 2 paragraph (1), paragraph (2), and paragraph (5), and/or Article 6 paragraph (1) shall be subject to administrative sanction in the form of a written warning.
- (2) In the event that a Non-SDA Exporter does not fulfil the obligation of DHE receipt with a value which matches the Export Value or Maklon Value until the deadline specified in

- the written warning as referred to in paragraph (1), Bank Indonesia shall impose an administrative sanction in the form of a second written warning.
- (3) In the event that a Non-SDA Exporter fails to fulfil the obligation of DHE receipt with a value which matches the Export Value or Maklon Value until the deadline specified in the second written warning as referred to in paragraph (2), the Non-SDA Exporter shall be subject to administrative sanction in the form of suspension of Export services in accordance with the laws and regulations on customs.

In the event that a Non-SDA Exporter is a PJT, the administrative sanction as referred to in Article 56 shall be imposed to the Goods Owner.

- (1) A Non-SDA Exporter may only be exempted from suspension of Export services if the Non-SDA Exporter has submitted to Bank Indonesia the evidence of the fulfilment of DHE obligation where DHE received matches the Export Value or Maklon Value.
- (2) In the event that a Non-SDA Exporter is a PJT, the exemption of suspension of Export services as referred to in paragraph(1) shall be imposed to the Goods Owner.
- (3) Bank Indonesia can only receive the evidence of the fulfilment of DHE receipt obligation as referred to in paragraph (1) not later than 1 (one) year after the month of the imposed suspension of Export services.

(4) Bank Indonesia may provide information on Non-SDA Exporters imposed with suspension of Export services to the relevant authority.

Article 59

Further provisions on mechanism of administrative sanction imposition on Non-SDA Exporters are regulated in a Regulation of Member of Board of Governors.

Part Two

Administrative Sanction Imposition on SDA Exporters

Article 60

The Provisions on administrative sanction imposition on SDA Exporters, Goods Owners, and/or Parties to Oil and Gas Contracts which fail to fulfil the obligations pertaining to receipt and use of DHE SDA specified in this Bank Indonesia Regulation shall be conducted based on the Government Regulation on foreign exchange from export proceeds generated from activities of utilization, management, and/or processing of natural resources and its implementing regulations.

Part Three

Administrative Sanction Imposition on Importers

- (1) Any Importer which breaches of the DPI reporting obligation as referred to in Article 33 and Article 38 shall be subject to administrative sanction in the form of a written warning.
- (2) In the event that an Importer does not fulfil the DPI reporting obligation until the deadline specified in the written warning

- as referred to in paragraph (1), Bank Indonesia shall impose an administrative sanction in the form of a second written warning.
- (3) In the event that an Importer does not fulfil the DPI reporting obligation until the deadline specified in the second written warning as referred to in paragraph (2), the Importer shall be subject to administrative sanction in the form of suspension of Import services based on the laws and regulations on customs.
- (4) In the event that an Importer is a PJT, the administrative sanction as referred to in paragraph (1), paragraph (2), and paragraph (3) shall be imposed to the Goods Owner.

- (1) An Importer may only be exempted from suspension of Import services if the Importer has fulfilled the DPI reporting obligation as referred to in Article 33.
- (2) Bank Indonesia may only receive fulfilment of DPI reporting for relief of the suspension of Import services as referred to in paragraph (1) within 1 (one) year at the maximum after the suspension month.
- (3) Bank Indonesia may inform the relevant authority concerning the Importers who have been imposed with suspension of Import services after the deadline as referred to in paragraph (2).

Article 63

Further provisions on mechanism of administrative sanction imposition on Importers shall be regulated in a Regulation of Member of Board of Governors.

Part Four

Administrative Sanction Imposition on Banks Pertaining to DHE SDA

Article 64

- (1) Any Bank which breaches of the obligation pertaining to the time deposit in DHE SDA as referred to in Article 28 paragraph (1) shall be subject to administrative sanction in the form of a written warning.
- (2) Any Bank which accepts Fund Transfer Order from an SDA Exporter, Goods Owner, and/or Party to an Oil and Gas Contract for an Outgoing Transfer without any supporting documents as referred to in Article 30 paragraph (1) shall be subject to administrative sanction based on Bank Indonesia provisions on monitoring of foreign exchange flow activities of banks and customers.
- (3) Further provisions on mechanism of administrative sanction imposition on Banks pertaining to DHE SDA are regulated in a Regulation of Member of Board of Governors.

Part Five

Administrative Sanction Imposition on Banks Pertaining to DHE

Non-SDA and DPI

Article 65

Any Bank which breaches the submission obligation of Non-TT Transaction Report as referred to in Article 44 paragraph (1) and paragraph (2) and Article 46 paragraph (1) shall be subject to administrative sanction based on Bank Indonesia provisions on monitoring of foreign exchange flow activities of banks and customers.

CHAPTER VIII TRANSITIONAL PROVISIONS

- (1) Any Non-SDA Exporter which breaches the DHE obligation without any sanction imposition as referred to in Bank Indonesia Regulation Number 16/10/PBI/2014 on Receipt of Export Proceeds and Withdrawal of External Debt as amended by Bank Indonesia Regulation Number 17/23/PBI/2015 on Amendment to Bank Indonesia Regulation Number 16/10/PBI/2014 on Receipt of Export Proceeds and Withdrawal of External Debts shall be subject to sanction as referred to in Article 56.
- (2) Any Non-SDA Exporter, which has been imposed with an administrative sanction in the form of fine and does not meet to fulfil the DHE obligation specified in Bank Indonesia Regulation Number 16/10/PBI/2014 on Receipt of Export Proceeds and Withdrawal of External Debt as amended by Bank Indonesia Regulation Number 17/23/PBI/2015 on Amendment to Bank Indonesia Regulation Number 16/10/PBI/2014 on Receipt of Export Proceeds and Withdrawal of External Debt shall be subject to suspension of Export services as referred to in Article 56 paragraph (3) without omitting the fine payment obligation
- Exporter, which has been imposed with (3) Any Non-SDA suspension of Export services and does not fulfil the DHE receipt obligation as specified in Bank Indonesia Regulation Number 16/10/PBI/2014 on Receipt of Export Proceeds and Withdrawal of External Debts as amended by Bank Indonesia Regulation Number 17/23/PBI/2015 on Amendment to Bank Indonesia Regulation 16/10/PBI/2014 on Receipt of Export Proceeds and Withdrawal of External Debt, may only be exempted from

the suspension of Export services if the Non-SDA Exporter has submitted to Bank Indonesia evidence of fulfilment of DHE obligation which matches to the Export Value not later than 1 (one) year as of the enforcement of this Bank Indonesia Regulation.

CHAPTER IX CLOSING PROVISION

Article 67

At the time when this Bank Indonesia Regulation comes into force:

- The provisions on DHE receipt obligation as referred to in a. Article 1 point 4 to point 16, Article 2, Article 3, Article 4 paragraph (4) to paragraph (7), Article 5 to Article 12, Article 18 paragraph (1) point a, Article 19, Article 20, Article 22, Article 23, Article 24, and Article 25 of Bank Indonesia Regulation Number 16/10/PBI/2014 on Receipt of Export Proceeds and Withdrawal of External Debt (State Gazette of the Republic of Indonesia of 2014 Number 98) as amended by Bank Indonesia Regulation Number 17/23/PBI/2015 on Amendment to Bank Indonesia Regulation Number 16/10/PBI/2014 on Receipt of Export Proceeds and Withdrawal of External Debt (State Gazette of the Republic of Indonesia of 2015 Number 374) are repealed and declared ineffective, except provisions pertaining to the reporting of DHE receipt which are declared to remain effective until the receipt DHE Non SDA on 31 December 2019;
- b. Bank Indonesia Regulation Number 21/3/PBI/2019 on Export Proceeds Generated from Activities of Utilization, Management, and/or Processing of Natural Resources (State Gazette of the Republic of Indonesia of 2019 Number 8) is repealed and declared ineffective, except provisions on submission of information and report pertaining to DHE

SDA received which is declared to remain effective until the receipt of DHE SDA 31 December 2020.

Article 68

The Provisions on submission of information and report on DHE and DPI comes into force on 1 January 2020.

Article 69

The Provisions on administrative sanction imposition to Importers as referred to in Article 61 and Article 62 comes into force on 1 January 2021.

Article 70

The Provisions on submission of information and relevant report on of DHE SDA receipt come into force on 1 January 2021.

Article 71

This Bank Indonesia Regulation comes into force on the date of its promulgation date.

In order that every person may know hereof, it is ordered to promulgated this Bank Indonesia Regulation by its placement in the State Gazette of the Republic of Indonesia.

Issued in Jakarta
On 28 November 2019
GOVERNOR OF BANK INDONESIA,

(signed)

PERRY WARJIYO

Promulgated in Jakarta
On 29 November 2019
MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,

(signed)

YASONNA H. LAOLY

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2019 NUMBER 229

ELUCIDATION

OF

BANK INDONESIA REGULATION NUMBER 21/14/PBI/2019

ON

EXPORT PROCEEDS AND IMPORT PAYMENTS

I. GENERAL

National economic development requires sufficient and sustainable fund sources, from both within the country and overseas. One of the fund sources from overseas, which is relatively stable and sustainable, is DHE that is also vital to support rupiah rate and macroeconomic stability overall.

In line with the issuance of Government Regulation on foreign exchange from export proceeds generated from activities of utilization, management, and/or processing of natural resources and to increase the quality of information obtained for effective DHE monitoring, it is necessary to draft provisions for DHE SDA specifying among others the obligation to receive DHE with a Bank through Reksus DHE SDA.

In line therewith, Import payment is one of the sources of foreign exchange demand affecting rupiah rate and macroeconomic stability overall, and therefore, it's necessary to obtain comprehensive information on DPI from business participants and banks in Indonesia.

Therefore, it is necessary to have a regulation which can ensure DHE receipt conducted through Indonesian banks and also DPI report accuracy.

This regulation is based on the free foreign exchange system that has been in force so far, that is, every resident can freely own and use foreign exchange as referred to in Law Number 24 of 1999 concerning Foreign Exchange Flows and the Exchange Rate System.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently Clear.

Article 2

Paragraph (1)

The obligation to receive DHE through Bank excludes an obligation to save within a certain period and/or to convert to rupiah.

Paragraph (2)

The term "DHE in cash" means DHE in the form of banknotes and/or coins.

DHE is categorized as DHE received in cash if Bank Indonesia deems it reasonable to make payment in cash, among others based on the amount and type of transaction.

Paragraph (3)

Supporting documents for DHE received in cash among others is proof of deposit to the bank.

Paragraph (4)

Sufficiently Clear.

Paragraph (5)

Sufficiently Clear.

Article 3

Sufficiently Clear.

Article 4

Paragraph (1)

Point a

Contract between an Exporter and buyer among others is DHE receipt by way of payment of usance, Letter of Credit (L/C), consignment, open account, and collection.

Point b

The term "Force majeure" means a condition making an Exporter receives DHE less than PPE Value or fails to receive DHE resulting among others from fire, mass riot, terrorism, bomb, war, sabotage, labour strike, system failure used in transactions, and natural disasters such as earthquakes and floods, which are confirmed by the authority or official from the relevant local institution.

Paragraph (2)

Sufficiently Clear.

Article 5

Paragraph (1)

Sufficiently Clear.

Paragraph (2)

Difference of DHE value and Export Value exceeding an amount equal to Rp50,000,000.00 (fifty million rupiah) is caused among others by exchange rate difference, discount, administrative fee, other fees pertaining to international trade, repair service, operational leasing or financial leasing, goods price difference, goods quality difference, goods composition difference, and goods quantity difference.

Article 6

Paragraph (1)

Sufficiently Clear.

Paragraph (2)

Sufficiently Clear.

Paragraph (3)

Difference between DHE value and Maklon Value exceeding an amount equal to Rp50,000,000.00 (fifty million rupiah) is

caused among others by exchange rate difference, discount, administrative fee, and other fees pertaining to international trade.

Article 7

Sufficiently Clear.

Article 8

Sufficiently Clear.

Article 9

The term "Export information" means information on Export invoice, such as, among others, transaction purpose code, invoice number, and invoice amount.

Paragraph (1)

FTMS Message among others is a message through the Society of Worldwide Interbank Financial Telecommunication (SWIFT).

Paragraph (2)

Sufficiently Clear.

Article 10

Paragraph (1)

Point a

The term "Change of information on PPE affecting DHE" means a change of information on PPE document such as change of invoice number, invoice date, invoice amount, and DHE receipt due date.

Point b

The term "Change of information on DHE" means a change of information on DHE receipt or change of DHE receipt allocation such as invoice number and DHE value.

Paragraph (2)

Sufficiently Clear.

Paragraph (3)

Sufficiently Clear.

Paragraph (4)

Paragraph (1)

Sufficiently Clear.

Paragraph (2)

Sufficiently Clear.

Paragraph (3)

The term "Force majeure" means a condition making an Exporter receives DHE less than PPE Value or fails to receive DHE resulting among others from fire, mass riot, terrorism, bomb, war, sabotage, labour strike, system failure used in transactions, and natural disasters such as earthquakes and floods, which are confirmed by the authority or official from the relevant local institution.

Supporting documents shall be deemed sufficient if Bank Indonesia considers those documents can prove that an importer is default, insolvent, or affected by force majeure.

Paragraph (4)

Sufficiently Clear.

Article 12

Paragraph (1)

Sufficiently Clear.

Paragraph (2)

Party in 1 (one) group is a legal entity or any other entity with relationship based on ownership and/or same shareholder.

Paragraph (3)

Sufficiently Clear.

Paragraph (4)

Sufficiently Clear.

Paragraph (5)

Netting transaction evidence among others in the form of agreement on netting settlement of Export invoice for goods Import obligation pertaining to the relevant Export activity, netting consolidation report on Export invoice against goods Import obligation and/or invoice.

Article 13

Sufficiently Clear.

Article 14

Paragraph (1)

The term "Technical failure on an Exporter's side" are among others electric power failure and/or communication network failure declared by the authorized institution.

Paragraph (2)

Sufficiently Clear.

Article 15

Sufficiently Clear.

Article 16

Sufficiently Clear.

Article 17

Sufficiently Clear.

Article 18

Paragraph (1)

Sufficiently Clear.

Paragraph (2)

Sufficiently Clear.

Paragraph (3)

Sufficiently Clear.

Paragraph (4)

Sufficiently Clear.

Paragraph (5)

Point a

Supporting documents may be in the form of, among others, PPE document, Export permit from the relevant institution, and Export sale contract.

PPE includes a declaration of Goods Exported (PEB).

Point b

The statement letter contains a statement that the relevant party is an SDA Exporter.

Article 19

Sufficiently Clear.

Article 20

Paragraph (1)

Sufficiently Clear.

Paragraph (2)

Point a

Sufficiently Clear.

Point b

Transfer from an account other than Reksus DHE SDA to Reksus DHE SDA completed by supporting documents which can prove that the incoming fund derives from DHE SDA.

Paragraph (3)

Supporting documents may be in the form of, among others, PPE document and Export sale contract.

Paragraph (4)

Sufficiently Clear.

Article 21

Sufficiently Clear.

Article 22

Paragraph (1)

Supporting documents are documents underlying the transactions of Outgoing Transfer in foreign currency; among others:

- a. invoice from goods and service seller overseas;
- b. loan contract or any other document indicating a payment obligation of loan interest and/or principal;

- c. loan contract or any other document indicating an obligation of royalty payment and other intellectual right obligation;
- d. document of general meeting of shareholders indicating obligation of dividend distribution to shareholders overseas;
- e. employment agreement or other personnel document indicating obligation of payment of salary and other income;
- f. document of asset liquidation within the country, which is the right of a party overseas; and/or
- g. document of exemption or suspension of obligation to use rupiah for foreign currency transactions within the country.

Paragraph (2)

Sufficiently Clear.

Article 23

Sufficiently Clear.

Article 24

Sufficiently Clear.

Article 25

Sufficiently Clear.

Article 26

Sufficiently Clear.

Article 27

Sufficiently Clear.

Article 28

Sufficiently Clear.

Article 29

Sufficiently Clear.

Article 30

Sufficiently Clear.

Article 31

Sufficiently Clear.

Article 32

Sufficiently Clear.

Article 34

Point a

The term "Import information" means an information on Import invoice such as transaction purpose code, invoice number, and invoice amount.

Point b

The term "Import information" means an information on Import invoice such as number of Letter of Credit (L/C), L/C due date, and invoice number.

Point c

The term "Change of information on PPI affecting DPI" means a change of information on PPI document containing among others change of invoice number, invoice date, invoice value, and DPI expenditure due date.

Point d

The term "Change of information on DPI" means a change of information or DPI allocation containing, among others, invoice number and DPI value.

Point e

The term "Information on DPI not through a Bank" means information on Import payment in cash or through a non-Bank financial institution containing, among others, invoice number, invoice date, DPI value, and institution name.

Article 35

Sufficiently Clear.

Article 36

Sufficiently Clear.

Article 37

The term "Change of PPI data" among others are change of CIF value and change of Import goods quantity.

Sufficiently Clear.

Article 39

Paragraph (1)

Point a

The term "DPI in cash" means DPI in the form of paper banknotes and/or coins.

Point b

Sufficiently Clear.

Point c

Sufficiently Clear.

Point d

Sufficiently Clear.

Point e

Excess difference of DPI Value and Import Value exceeding 5% (five percent) of the Import Value may be caused among others by netting.

In the event that netting is applied between an Exporter's obligation and goods Import payment pertaining to Export activity, the Import Value constitutes CIF value after calculating the netting value.

Paragraph (2)

Sufficiently Clear.

Paragraph (3)

Sufficiently Clear.

Article 40

Paragraph (1)

The term "Technical failure on Bank Indonesia's side or technical failure on an Importer's side" among others are electric power failure and/or communication network failure.

The term "Offline" means offline report submission to Bank Indonesia by using electronic media such as compact disk (CD), flash disk, or electronic mail, delivered during local working hours of Bank Indonesia.

Paragraph (2)

Sufficiently Clear.

Article 41

Sufficiently Clear.

Article 42

Sufficiently Clear.

Article 43

The term "Export information" means an information on Export invoice such as transaction purpose code, invoice number, and invoice value

Article 44

Paragraph (1)

Non-TT Transaction among others in the form of Letter of Credit (L/C), documentary collection, and/or overbooking. Export information among others in the form of L/C number, L/C due date, and invoice number.

Paragraph (2)

Sufficiently Clear.

Paragraph (3)

Sufficiently Clear.

Paragraph (4)

Sufficiently Clear.

Article 45

The term "Import information" means an Import invoice information in the form of among others transaction purpose code, invoice number, and invoice value

Article 46

Paragraph (1)

Non-TT Transaction among others in the form of Letter of Credit (L/C), documentary collection, and/or overbooking.

Export information among others in the form of L/C number, L/C due date, and invoice number.

Paragraph (2)

Sufficiently Clear.

Paragraph (3)

Sufficiently Clear.

Paragraph (4)

Sufficiently Clear.

Article 47

Sufficiently Clear.

Article 48

Sufficiently Clear.

Article 49

Sufficiently Clear.

Article 50

Sufficiently Clear.

Article 51

Supervisory result will be submitted provided that the relevant ministry and/or technical institution have specified implementing provisions based on Government Regulation on export proceeds generated from activities of utilization, management, and/or processing of natural resources.

Article 52

Sufficiently Clear.

Article 53

Sufficiently Clear.

Article 54

Sufficiently Clear.

Article 55

Sufficiently Clear.

Article 56

Paragraph (1)

Paragraph (2)

The term "DHE receipt obligation" means a Non-SDA Exporter's obligation to receive DHE through a Bank which matches the Export Value or Maklon Value, but excluding the fulfilment of deadline at the end of the third month after an PPE month.

Paragraph (3)

Suspension of Export services is conducted by the Directorate General of Customs and Excise at the request of Bank Indonesia.

Article 57

Sufficiently Clear.

Article 58

Paragraph (1)

The term "DHE receipt obligation" means an Exporter's obligation to receive DHE through a Bank which matches the Export Value or Maklon Value.

Exemption from suspension of Export services is conducted by the authorized authority in customs at the request of Bank Indonesia.

Paragraph (2)

Sufficiently Clear.

Paragraph (3)

The term "Month of imposition of Export service suspension" means the month of issuance of such imposition by Bank Indonesia.

Paragraph (4)

The term "The relevant authority" means the ministry or authorized institution which has the authority of permit pertaining to Export.

Article 59

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Article 60
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Sufficiently Clear.

Article 61

Paragraph (1)

Sufficiently Clear.

Paragraph (2)

Sufficiently Clear.

Paragraph (3)

Suspension of Import services is conducted by the authorized institution in customs at the request of Bank Indonesia.

Paragraph (4)

Sufficiently Clear.

Article 62

Paragraph (1)

Exemption of suspension of Import services is conducted by the authorized institution in customs at the request of Bank Indonesia.

Paragraph (2)

The term "Month of imposition of Import service suspension" means the month of the issuance of a letter of imposition of Import service suspension by Bank Indonesia.

Paragraph (3)

Sufficiently Clear.

Article 63

Sufficiently Clear.

Article 64

Sufficiently Clear.

Article 65

Sufficiently Clear.

Article 66

Sufficiently Clear.

Article 67

Sufficiently Clear.

Article 69

Sufficiently Clear.

Article 70

Sufficiently Clear.

Article 71

Sufficiently Clear.

SUPPLEMENT TO STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 6425